

STATE OF WISCONSIN

PERSONNEL COMMISSION

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BENNETT S. STARK,

Complainant,

v.

Secretary, DEPARTMENT OF
INDUSTRY, LABOR AND HUMAN
RELATIONS,

Respondent.

Case No. 90-0143-PC-ER

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RULING
ON
REQUEST FOR
EXTENSION

The complaint in this matter was filed on August 31, 1990. After the issuance of an initial determination on October 19, 1992, a prehearing/conciliation conference was convened on February 24, 1993. During that conference, issues were proposed for hearing, the hearing was scheduled for June 2, 3, and 4, 1993, and the following schedule was set for completing discovery:

Discovery will close on May 3, 1993. Any requests for documents and interrogatories are to be filed, in writing, with the opposing party by April 2, 1993

On April 2, 1993, complainant filed a discovery request with the Commission that was directed to the respondent. Then, on April 20 and 21, 1993, complainant filed two additional discovery requests with the Commission, also directed to respondent. In separate cover letters to the discovery requests, complainant requested extensions in the previously established discovery deadline. Complainant offered the following justification for one of the requests:

I am not an attorney and have no legal training. Consequently, I am uninitiated in and ignorant of the practices which are commonplace for attorneys.

Respondent opposed the extension and noted that if the extension would be granted, respondent would request a postponement of the hearing, as well as file motions for protective orders.

Every indication is that complainant was fully aware of the discovery deadline. The conference report setting forth the schedule is very clear in terms of when (and where) discovery requests had to be filed in order for discovery to be completed by the May 3rd closure date. Complainant went ahead and filed a request on April 2nd, the last day in the discovery period specified in the report. Then eighteen and nineteen days later, he submitted second and third discovery requests and requested an extension. Complainant's pro se status is insufficient, by itself, to justify an extension.

While complainant states he was "ignorant of the practices which are commonplace to attorneys," he was well-versed enough to file a discovery request on April 2nd. Granting complainant's request would result in a delay in the hearing. Had complainant made an effort prior to April 2nd to extend the discovery period, his request might have been looked upon more favorably.

Therefore, complainant's request to extend the deadline for discovery in this matter is denied.

Dated: May 7, 1993

STATE PERSONNEL COMMISSION


KURT M. STEGE, Hearing Examiner

KMS:rcr